

FAQs: Appointment of Election Inspectors from Party Lists

Q: The clerk memo states their current list of election inspectors is subject to open records law. Is there a specific form or format in which the request for the list is made that will improve the probability of compliance?

A: The public records law does not mandate the use of any specific form when a request is made. If a municipal clerk does not comply with a request for the list of current election inspectors, the requestor may contact our office or seek compliance under the public records law.

Q: Is it reasonable to expect the information of current election inspectors provided by clerks to be complete? Such as containing contact information and including all names, whether they are political party appointees or not?

A: If you request the names of all current election inspectors, you should get the names of everyone who was appointed an inspector in December 2015, whether they were political appointees or not. If there have been appointments since December 2015, those names should appear also and if the appointment came from a party list, the party with which the appointment was affiliated. The public records law states that a public authority shall not provide access to information concerning the home address, email address, or home telephone number of an employee unless the employee authorizes release of such information, so it is possible the list may not contain that contact information.

Q: How should political party nominees for SVDs and absentee ballot canvassers be submitted to ensure their inclusion in the appointments?

A: These lists should be separate from the lists of inspectors. Or, if you submit one list, list the nominees under the categories for which you are nominating them. The submission process is the same. Nominees for the board of absentee ballot canvassers must be qualified electors of the municipality but nominees for SVDs may reside in the same county. The party whose candidate for governor or president prevailed at the last general election in the municipality (currently the 2016 Presidential Election) is entitled to the extra canvasser. Wis. Stat. § 7.52(1)(b).

Q: How will party balance for Election Day EROs who also handle ballots and for specialized poll workers who exclusively process absent ballots at polling sites be handled?

A: Election-day EROs have one job, which is to register voters. However, the ERO could also be appointed as an alternate inspector (provided the municipality has an ordinance that allows for alternates) who would take over when another inspector takes a break. During that time, he or she is no longer serving as an ERO. When the absent inspector returns, the alternate inspector resumes the duties of the ERO.

“Specialized Poll workers” are simply election inspectors who have been assigned to a particular duty. They are part of the odd number of inspectors assigned to the polling place. Whenever a task is required to be conducted by more than 1 inspector, party imbalance must be considered. If there are 7 polling workers (example: 4 Republicans and 3 Democrats) and 1 Republican and 1 Democrat process absentee ballots, 1 Republican and 1 Democrat handle the

poll lists, that leaves 2 Republicans and 1 Democrat to issue ballots, monitor the voting equipment and register voters—tasks that do not require more than 1 person.

Note: Greeters are not appointed with regard to party affiliation and are not included when counting the number of inspectors.

Q: With nominees allowed to come from the county of residency, can the same person be nominated on multiple municipal lists?

A: Yes, and one person can be appointed by more than one municipality. The party representative submitting the list must certify on the list that they have contacted each nominee and that each nominee has agreed to serve as an election official. This means that the nominee must agree to have their name submitted to multiple municipalities.

Q: Can SVDs and absentee ballot canvassers be nominated from the county of residence as well?

A: Nominees for a Board of Absentee Ballot Canvassers (BOABC) must be qualified electors of the municipality. Special voting deputies may reside in the same county.

Q: Since the political parties are allowed to add names to their original lists at any time, will the supplemented names to the original list of nominees be given priority in making assignments for the remaining vacant designated party positions, or for any vacant position, regardless of party affiliation?

A: Whether an inspector position is considered Republican, Democratic or Unaffiliated is determined at the December meeting of the governing body when appointments are made. If there are insufficient names on the list received on November 30th to fill the number of positions to which the party is entitled, the remaining positions are filled by unaffiliated inspectors.

If there is a vacancy in a position that had been filled by a party appointee, the position is filled from any additional names the party may have submitted after November 30th. A vacancy in a position that was filled with an unaffiliated inspector due to a lack of names on the original should be filled from the list of additional names submitted by the party, if that will maintain the partisan imbalance. Supplemental lists submitted prior to Nov. 30th are treated as part of the original list of nominees. Names submitted after that date are only used to fill vacancies.

Q: What is the procedure when submitting additional names to a party's original list? To who is the list submitted?

A: To the same authority to which the original list was submitted. See the chart posted at <http://elections.wi.gov/node/5217>. In the City of Milwaukee, the list must be provided to the Municipal Board of Election Commissioners.

Q: Is there a difference in procedure when a political party supplements its list before vs. after the initial appointment by the municipal governing body in December?

A: Supplemental lists submitted prior to Nov. 30th are treated as part of the original list of nominees. Names submitted after that date are only used to fill vacancies.

Q: If some positions remain vacant after the initial appointment by the municipal governing body, will the supplemented names to the political party lists receive priority for assignment by the clerk?

If a position remains vacant because the party entitled to the position did not submit sufficient names and there were no unaffiliated inspectors to place in the position instead, this leaves the party without representation in that position. Therefore, if the party submits a supplemental list, the list should be used to fill that position.

If due to lack of names on the party list, an unaffiliated inspector was appointed to fill the party position, and the position later became vacant, the supplemental list from the party should be used to fill the position. If there are no more names remaining from the original or supplemental list, the position is again filled with an unaffiliated inspector.

Q: If all the names on a political party list are to be assigned to positions, what impact does the designation of “first choice nominee” have on the process?

A: If there are 5 positions to which a party is entitled and the party submits 10 names, the governing body can choose whichever 5 they wish from the list. If first-choice nominees are indicated, the governing body must select those names first.

Q: If there are more names on a list than “positions available” and the clerk has permission through an ordinance to establish different working hours for different officials, does the clerk have the authority to arbitrarily divide an election official position between all the nominees/appointees from a party list, giving each person “a shift” to work, sometimes for only 1 -2 hours during election day?

A: The intent of the law that provides for shifts of election inspectors is intended to lessen the hours the inspectors must work, not to give everyone whose name was submitted a chance to work. Most ordinances specify the duration and time of each shift. If shifts are used, each shift should reflect the proper party imbalance if inspectors from each party are available.

Q: In the letters to the political parties and in the statutes, it states that appointment without regard to party affiliation may be made if not enough names were submitted by the political parties, but the clerk memo states “all appointments are made without regard to party affiliation”. Which is correct?

A: The statements were intended to be synonymous, in that an appointment made without regard to party affiliation may or may not result in an appointee with a party affiliation. The clearer phrase is that appointments to fill vacancies “may be made without regard to party affiliation.” A vacancy caused by lack of names on the list submitted by November 30th should be filled with a name that was added later, if the party is entitled to the position.

Q: Is there any difference in the process when nominating election officials to municipalities located on Native American Reservations?

A: No.

Q: It has been reported that some municipal clerks plan to have training sessions this fall, before election inspectors have been appointed to their positions. How can this happen?

A: Municipal clerks may conduct training at any time. The current inspectors' terms do not end until December 31st. However, the governing body or clerk cannot use non-attendance at a training held before appointment as a reason to not appoint a political party nominee.

Q: With inspectors being nominated from the county of residence, is there reciprocity in training between municipalities?

A: A municipal clerk can choose to accept training attended by an inspector while serving in another municipality.

Q: What is the procedure for addressing problems that may arise during this process?

A: Document any problems encountered and contact the WEC.